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Appeal and Error—Appeal from the Juvenile Court

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RECENT CASES

Appeal and Error—Appeal from the Juvenile Court. After a husband and wife had instituted adoption proceedings in the juvenile court for a child in custody of that court, the father of the child petitioned the court for custody of the child. The juvenile court dismissed the petition. Appeal. *Held:* Dismissed. In re *a Minor,* 39 Wn. 2d 744, 238 P. 2d 914 (1951).

The order from which the appeal was taken was an oral opinion later repeated in a memorandum decision. Neither an oral opinion nor a memorandum decision of a superior court is an appealable order. *Edward L. Eyre & Co. v. Hirsch,* 36 Wn. 2d 439, 218 P. 2d 888 (1950). Although the Court could have based its decision on this ground, it chose to rest its holding on the broader ground that the juvenile court law does not provide for an appeal. *State* ex rel. *Gray v. Webster,* 122 Wash. 526, 211 Pac. 274 (1922).

The rule that no appeal may be taken from the juvenile court seems to be well settled, notwithstanding the broad provisions of Rule on Appeal 14, 34A Wn. 2d 20, which reads, "Any party aggrieved may appeal to the supreme court in the mode prescribed in these rules from any and every of the following determinations, and no others, made by the superior court, or the judge thereof, in any action or proceeding: (1) from the final judgment entered in any action or proceeding. . . ." It could be argued that an appeal from the juvenile court should be allowed under the broad language of this rule; but, all the decisions (with the exception of *Fuhrman v. Arvin,* 21 Wn. 2d 828, 153 P. 2d 165 (1944), where counsel failed to raise the point) have been to the contrary. See In re *King,* 39 Wn. 2d 875, 239 P. 2d 553 (1952).

No future harm can result to parties to juvenile court proceedings from the operation of the rule denying appeal to the Supreme Court as the proceedings of the juvenile court are, nevertheless, subject to review. The Court indicates, with a plethora of citations, that a writ of habeas corpus, certiorari, or prohibition may be used for this purpose in a proper case.

ELDON C. PARR

Constitutional Law—Freedom of Religion—Chest X-Ray as a Condition of Admission to State University. The Board of Regents of the University of Washington required that each student submit to a chest X-Ray examination for the purpose of disclosing tubercular infection. *P,* a Christian Scientist, sought to register for her senior year, and when she refused to submit to the examination she was denied admission. She then petitioned to the Regents for an exemption on the ground that to submit would violate her religious convictions. The petition was denied, and *P* now seeks a writ of mandamus to compel the Regents to admit her without requiring the X-Ray examination, contending, *inter alia,* that the requirement was an unjustified abridgement of her religious liberty as guaranteed by the federal and state constitutions. The trial court denied the writ. *Held:* Affirmed. To admit *P* (and others claiming a similar exemption) to the University without taking the required X-Ray examination presents a clear and present danger of an evil which the state may lawfully prevent, and justifies the restrictions on her religious freedom. *State* ex rel. *Holcomb v. Armstrong,* 139 Wash. Dec. 795, 239 P. 2d 545 (1952).

The free exercise of religion is protected from state interference by the due process clause of the Fourteenth Amendment. *Cantwell v. Connecticut,* 310 U.S. 296 (1940). In addition the constitution of the state of Washington provides a similar guarantee. WASH. CONST. ART. I, § 11 and AMEND. 4. This right is not absolute and must occa-